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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,151	11/17/2003	Richard J. Tracy	14019	4297

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PAUL F. DONOVAN  
ILLINOIS TOOL WORKS INC.  
3600 WEST LAKE AVENUE  
GLENVIEW, IL 60025

EXAMINER

SAKRAN, VICTOR N

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/715,151

**Applicant(s)**

TRACY, RICHARD J.

**Examiner**

VICTOR N SAKRAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 4, 7-10, 12, 16 and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krauss U. S. Patent No. 5,136,756 in view of Yokota U. S. patent No. 5,878,467.

Krauss discloses the general combination claimed of a clip for securing the end of a cord, said clip comprising first and second sections (12,14) joined together

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by a central portion defining a hinge means therebetween including a locking tab (34) formed on one section and a recess formed in the other section for securing said sections together, each of said sections is further provided with a plurality of pointed locking pins defining a plurality of pockets therebetween, such that the plurality of locking pins are adapted to received within said plurality of pockets in combination with an attachment member (30) attached to one section of the clip, see Figures 1, 3, 6; column 2, lines 43-51 and 54-61, except that the reference to Krauss does not disclose a removable attachment and to be secured to its central portion and to secure both ends of the cord. Yokota teaches the use of a clip (1) comprising a central portion and an attachment member defining a loop removably mounted to its central portion and its clip is adapted to secure both ends of a lanyard cord, see Figures 1, 9; column 5, lines 43-52, and claim 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting of the attachment member in Krauss and to have its clip to secure both ends of a cord in the manner taught, disclosed and suggested by Yokota and/or vice versa by merely providing the two sections in Yokota with a plurality of locking pins and pockets in the manner taught, disclosed and suggested by Krauss; especially, since such modification involves only routine skill in the art.

Claims 3, 5, 11 and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claims 1, 2, 4 and 7-10,

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above, and further in view of Hicks et al who teaches the use of a clip for securing both ends of a lanyard cord including a central portion defining an aperture therein for removably receiving an attachment member; see Figures 1, 2, 9 , and the abstract and to further incorporate such structure by merely providing the central portion in Yokota with an aperture for mounting its attachment member in the manner taught, disclosed and suggested by Hicks et al it would have been obvious to one having ordinary skill in the art at the time the invention was made..

Claims 6, 13, 14 and 17-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claims 3, 5, 11 and 15, above, and further in view of Murai U. S. Patent No. 5,671,508 and Brosofsky et al U. S. Patent No. 6,539,588.

Murai teaches the use of a plurality of stabilizing ribs (22) and recesses in a cord fastener for fastening both ends of the cord, see Figures 1, 5, 11; and column 4, lines 40-45. Brosofsky et al teaches the use of a cord holder clip provided with a pair of hinges formed on opposing sides of the central portion of its clip, see Figures 14-17, and column 7, lines 60-67, and to further incorporate such structure in Yokota and/or Krauss in the manner taught, disclosed and suggested by Murai and Brosofsky et al it would have been obvious to one having ordinary skill in the art at the time the invention was made.

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Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see *In re Preda*, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).

Furthermore, the particular location and/or the arrangement selected of an elements is also considered to be no more than an obvious matter of design choice to one having ordinary skill within the art, especially, since it has been held that rearranging part of an invention involves only routine skill in the art. See *In Re Japikse*, 86 USPQ 70.

The use of a plurality of references is justified since some of the limitations to which they are applied are independent of each other ; see *Ex Parte Fine* 1927 C. D. 84; O. G. 511

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the art cited herein, and of record, as showing structure related to Applicant's disclosed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone


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number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 9, 2004

  
VICTOR N SAKRAN  
Primary Examiner  
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